

**XAVIER BECERRA**  
**Attorney General**

**State of California**  
**DEPARTMENT OF JUSTICE**



1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555  
Telephone: (916) 210-6044  
Facsimile: (916) 324-8835  
E-Mail: [MichelleM.Mitchell@doj.ca.gov](mailto:MichelleM.Mitchell@doj.ca.gov)

January 29, 2019

Robert Lewis  
Investigative Studios  
with the UC Berkeley Investigative Reporting Program  
2481 Hearst Ave.  
Berkeley, CA 94709  
[lewis@investigativestudios.org](mailto:lewis@investigativestudios.org)

Via Email & U.S. Mail

RE: Notice of Inadvertent Release of Department of Justice Confidential Information and  
Request for Destruction of Information

Dear Mr. Lewis:

It has recently come to the attention of the California Department of Justice that you were inadvertently provided a copy of confidential state summary criminal history information in response to the request for public records you submitted to the Commission on Post Officer Standards and Training. The spreadsheet documents you were provided were extracted directly from the Automated Criminal History System, a confidential law enforcement database maintained by the Department of Justice from which access to information is restricted by law. (Pen. Code, §§ 11105 et seq.) The spreadsheets contain thousands of entries of information regarding civilians as well as current and former peace officers that should not have been disclosed to anyone not authorized by statute to receive it. (Pen. Code, § 11143.) Although the Commission on POST is authorized to receive this information from the Department, you are not. Therefore, the records inadvertently produced are exempt from disclosure under the California Public Records Act. (Gov. Code, § 6254, subd. (k).)

The Department hereby formally requests that you immediately permanently destroy the spreadsheet you were provided, do not disseminate the spreadsheet (or any information therefrom), and provide verification that all copies in hard copy, email, thumb drives, hard drives, and servers have also been destroyed. You are hereby on notice that the unauthorized receipt or possession of a record from the Department's ACHS or information obtained from such a record is a misdemeanor. (Pen. Code, § 11143.)

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If you do not intend to comply with our request, the Department can take legal action to ensure that the spreadsheets are properly deleted and not disseminated. The California Supreme Court has ordered return of documents inadvertently disclosed under the California Public Records Act. (See *Ardon v. City of Los Angeles* (2106) 62 Cal.4<sup>th</sup> 1176.)

Thank you for your courtesy and cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Mitchell", written in a cursive style.

MICHELLE M. MITCHELL  
Deputy Attorney General

For XAVIER BECERRA  
Attorney General

MMM: